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which were not public nuisances at common law. *Pittsburg v. Keech*, 21 Pa. Super Ct., 548; *Com. v. Parks*, 155 Mass., 531. But in *Everett v. Council Bluffs*, 46 Ia., 66, the court declared that the municipality has no such authority unless it has been given by common or statute law. Yet, when it is a nuisance, *per se*, it unquestionably has the power. *Railroad v. Lakeview*, 105 Ill., 207. But it cannot make that a nuisance which, in its nature, is not one. *Ward v. Little Rock*, 41 Ark., 526. And it was held in *Opehouses v. Norman*, 51 La. An., 736, that where a thing is complained of as a nuisance, a municipal corporation in exercise of its police power, may make regulations for its suppression and prohibition. And the ordinance is valid unless shown to be unreasonable. *Railroad v. Casey*, 26 Pa., 287.

STATUTES—CLASSIFICATION OF CITIES—"PRIVATE, LOCAL, OR SPECIAL LAW."—*WILSON v. McKELNEY*, 77 ATL. REP., 94 (N. J.).—*Held*, that the act creating a board of public works in cities having a population of not less than 100,000 nor more than 200,000 inhabitants is not a "private, local, or special law," affecting the internal affairs of towns or counties, within the constitutional prohibition. Pitney, Bergen and Garrison, JJ., *dissenting*.

The distinction necessary to mark a class, under the constitutional prohibition of special and local legislation, must be something in the situation or circumstances of the places embraced by the enactment, which would render like powers, if granted, inappropriate to and unavailable for other places. *Van Geisen v. Bloomfield*, 47 N. J. L., 442. And it seems to be generally held that a legislature may pass acts classifying cities according to their population, as a necessary means of providing for the local governments, best adapted to their needs, and in so doing it is not violating the constitutional provision against local and special legislation. *In re Ruan St.*, 132 Pa., 257; *State v. Baker*, 55 Ohio, 1. And it is the only proper classification; geographical distinctions cannot be resorted to without entering the domain of special legislation. *Commonwealth v. Patton*, 88 Pa., 258. Such an act is constitutional when applied to cities of a certain population or class, providing for public boards. *Warner v. Hoagland*, 51 N. J. L., 62. Although only one city was affected by the act at the time of passage. *Van Reipen v. Jersey City*, 58 N. J. L., 262. And the courts cannot inquire as to whether the legislature, in fixing the standard of classification purposed bringing only a single city under the act. *State v. Kalsem*, 130 Ind., 434. And in *Lloyd v. Smith*, 176 Pa., 213, the court holds that after actual classification has been made, the court is the final interpreter of the Constitution to see that it is not special legislation under that guise.

TRUSTS—MINGLING TRUST FUND.—*TREACY v. POWERS*, 127 N. W., 936 (MINN.).—*Held*, that a trustee cannot mingle the trust estate with his own and deny to the *cestui que trust* the option of following the joint affairs and availing himself of the proceeds the trustee may have realized from his improper conduct.